

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
FILLMORE EAST BS FINANCE SUBSIDIARY :
LLC, :

Plaintiff,

-against-

CAPMARK BANK,

Defendant.
----- X

: Case No.: 11 Civ. 4491 (PGG)

: ECF Case

: **STIPULATION AND PROPOSED**
: **ORDER SETTING BRIEFING**
: **SCHEDULE**

WHEREAS, the parties have stipulated to a briefing schedule for defendant Cap mark Bank's ("Defendant") motion to dismiss plaintiff Fillmore East BS Finance Subsidiary LLC's ("Plaintiff") complaint, which briefing schedule was so-ordered by this Court;

WHEREAS, the parties wish to amend the briefing schedule;

IT IS HEREBY STIPULATED AND AGREED, by and between the under signed counsel for the parties, as follows:

1. Plaintiff's deadline to serve opposition papers to the motion to dismiss shall be extended to January 6, 2012.
2. Defendant's deadline to serve reply papers, if any, shall be extended to January 27, 2012.
3. This stipulation may be executed in counterpart and a facsimile signature shall be deemed to have the same binding effect on the parties hereto as an original.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/21/11

Dated: December 19, 2011

**WINDELS MARX LANE
& MITTENDORF, LLP**

By:

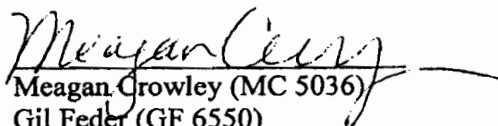


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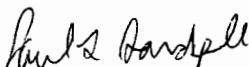
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Attorneys for Defendant

SO ORDERED:



Paul G. Gardephe, U.S.D.J

Dec. 20, 2011